

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

DONNA JOHANSON CROSS, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No.: 1:12-cv-1455
)	
PROSPECT MORTGAGE, LLC, <i>et al.</i> ,)	
)	
Defendants.)	

PROSPECT MORTGAGE, LLC'S
MOTION TO DISMISS COUNT V OF THE COMPLAINT

Defendant Prospect Mortgage, LLC ("Prospect"), by counsel, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, moves this Court for entry of an Order dismissing Count V of the Complaint of Plaintiffs Donna Johanson Cross and David Cross with prejudice for failure to state a claim for which relief can be granted. The further grounds and bases for this Motion are set forth in the accompanying Memorandum in Support of Motion to Dismiss filed contemporaneously herewith.

WHEREFORE, Prospect respectfully requests that this Court sustain its Motion and Dismiss Count V of the Complaint with prejudice

PROSPECT MORTGAGE, LLC

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CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of April, 2013, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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